

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5097 OF 2005
AND
CIVIL APPLICATION NO.5098 OF 2005

WITH

FIRST APPEAL (L) NO.11978 OF 2005

The New India Assurance Co. Ltd. ...Applicant
V/s.
Manohar Shridhar Bacchal & Ors. ...Respondents

Ms.Aarti B. Barve, Advocate, for the Applicant. .
Respondent No.1 present in person.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 20TH JUNE, 2007.

P.C. :

1. This is an application for condonation of delay. Respondent No.1 has appeared in person in the matter and states that he does not want to engage an advocate and that his interest is not in conflict with that of Respondent Nos.4 and 5.

2. In so far as Respondent No.3 is concerned, it is submitted by the learned Counsel appearing for the Applicant that its merely a formal party and his presence is not required for condonation of delay as he was the person insured by the Applicant.

3. In the application for condonation of delay, no reason has been stated but in the interest of justice, this Court is inclined to condone the delay subject to payment of costs of Rs.5,000/- to be paid to Respondent No.1 within a period of four weeks or by depositing the said amount before the Tribunal. The cost imposed shall be condition precedent. On failure to comply with the directions issued by this Court, Civil Applications to stand dismissed for want of compliance of the directions issued by this Court and non-prosecution.

4. By consent, the Appeal is taken up for admission.

5. Heard. Admit.

6. The learned Counsel for the Appellant states that the Appellant has deposited the amount of award as compensation before the Tribunal. The Respondent-claimants are entitled to withdraw the amount in terms of the order of the disbursement passed by the Court without furnishing any security.

[J.N. PATEL, J.]

[A.A. SAYED, J.]